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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,628	07/03/2001	Jorge-Alberto Perez Ramirez	112740-236	2325
29177	7590	08/13/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			CHEA, PHILIP J	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/898,628

Applicant(s)

RAMIREZ, JORGE-ALBERTO PEREZ

Examiner

Philip J Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07/03/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/25/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. Claims 1-17 have been examined.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 100 32 416.9, filed on 07/04/2000.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on July 3, 2001 was filed after the mailing date of the 25<sup>th</sup> on August 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- Note Fig. 4 reference 2.
- Note Fig. 6 references 101, 102, 201, 202, 300, 301, 302, P2, P3, P4.

Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of

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the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities:

- Note page 1 line 13, "an" is apparently "a".

Appropriate correction is required.

### ***Claim Objections***

Claim 2 objected to because of the following informalities:

- Note line 4, "transmitted between the" should apparently be omitted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 rejected under 35 U.S.C. 102(b) as being anticipated by Andrews et al. (U.S. 5,546,452).

As per claims 1 and 12, Andrews et al. disclose a system having a plurality of communications units, as claimed, comprising:

- an interface for connecting the server to the network (column 5, lines 13-17); and
- a controller for centrally controlling performance features in the network (column 5, lines 17-22).

As per claims 2 and 13, Andrews et al. disclose a system where signaling messages are generated and evaluated to control performance features, being transmitted between the server and one of the communication units.

As per claim 3, Andrews et al. disclose a server where the interface transmits messages between the server and at least one communication unit (column 4, lines 62-67).

As per claim 4 and 14, Andrews et al. disclose a system comprising a storage device (column 5, lines 30-36).

As per claims 5 and 15, Andrews et al. disclose a system controlling performance features associated with communication unit (column 7, lines 57-60).

As per claims 6 and 16, Andrews et al. disclose a system controlling performance features associated with a plurality of communications units (column 7, lines 57-60).

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As per claims 7 and 11, Andrews et al. disclose a system where the interface establishes a connection between the server and communications units using an IP protocol (column 5, lines 17-26).

As per claim 8, Andrews et al. disclose a communications unit for a network having a server with an interface and controller (column 5, lines 13-22), as claimed, comprising:

- an interface for connecting the communications unit to the network (column 6, lines 50-55); and
- a controller for controlling performance features in the network using the server (column 6, lines 50-55).

As per claim 9, Andrews et al. disclose a communications unit where messages are generated and evaluated by the controller, and transmitted between the server and communications unit (column 6, lines 55-62).

As per claim 10, Andrews et al. disclose a communications unit with an interface to transmit the messages to the server (column 7, lines 25-31).

As per claim 17, Andrews et al. disclose a private communications network (column 12, lines 32-34). Although the current embodiment was not considering a private network, Andrews et al. imply that it could be used with a private network.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Brown et al. (U.S. 5,164,983)

Barone et al. (U.S. 5,315,711).

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Rlemann (EP 0 829 995 A2)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Chea whose telephone number is 703-605-1202. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea  
Examiner  
Art Unit 2153

PJC

  
GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100